HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 7221 OF 2006

DATED: 13.10.2006

Between:

Boya Bikshapathy and another

… Petitioners

and

The Land Acquisition Officer,
HUDA, Hyderabad and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.7221 OF 2006

ORAL ORDER:

The writ petition is filed by two persons claiming to be owners and in possession and enjoyment of an extent of Ac.2.23 guntas in Sy.Nos. 18 and 19 of Madhapur village. The land falls under the regulatory and developmental jurisdiction of the 3rd respondent and is now under such jurisdiction and regulation of the Cyberabad Development Authority.

By a notification dated 26.2.2005 issued under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') and a consequent declaration dated 25.3.2006 under Section 6 of the Act, the petitioners' land in an extent of 17 guntas in Sy.Nos. 18 and 19 is proposed for acquisition for the purpose of laying a road. The petitioners' assert that according to the notified master plan for the Cyberabad Development area and as reflected in the response of the Cyberabad Development Authority in the land use information certificate issued to one Sunil Kumar on 24.1.2002, part of Sy.No.18 is earmarked for a 24 metre wide road while no part of Sy.No.19 is so marked and notwithstanding

the non-identification/specification of Sy.No.19 for the purposes of a 24 metre wide road, the impugned notification in transgression of the land use specified in the Cyberabad Development Authority Master Plan, is proposing acquisition for the purpose of laying a 60 feet wide road in Sy.No.19.

Responding to the assertions in the writ petition, the first respondent has filed a counter affidavit on behalf of the respondents 1 to 3. To the extent relevant and material for the purpose of this lis as presented at the hearing today, the answering respondent states that the roads claimed to be in existence by the petitioners (in Sy.No.18) are formed at the petitioners convenience to suit their commercial requirements and these roads have nothing to do with the road being formed by the respondents which is in consonance with the Cyberabad Master Plan (vide para 8).

The petitioner is satisfied with this assertion in the counter affidavit being recorded and to the writ petition being disposed of on that basis. On behalf of the petitioners, it is also stated that on a joint inspection by the representatives of the respondents and of the writ petitioners, a detailed plan of the area proposed for acquisition has been drawn up at the instance of the respondents 1 to 3 and that even according to such plan, the proposed road laid through Sy.No.19 is the road in accordance with the approved master plan.

Be it so noted and recorded.

No other contention pleaded in the writ petition, is urged and presented for adjudication at the hearing today.

In view of the aforesaid circumstances, the writ petition is

disposed of recording the assertion in the counter affidavit that the road being laid in the land proposed for acquisition under the impugned acquisition process, is the road in conformity with the Cyberabad Development Authority Master Plan. No costs.

GODA RAGHURAM, J

Date: 13.10.2006
CVM